

Response under 37 C.F.R. §1.111
Attorney Docket No. 020007A
Serial No. 10/602,723

REMARKS

Claims 9 and 10 are pending in the application and are rejected. Claims 9 and 10 are herein amended.

Claim Rejections - 35 U.S.C. §112

Claims 9 and 10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention.

Applicants herein clarify claims 9 and 10 to overcome the rejections.

In claim 9, there is no proper antecedent basis for “the outer peripheral side” in line 7-8. Further in claim 9, there is no proper antecedent basis for “said surface combustion burner” in line 8.

Applicants herein include these amendments.

In claims 9 and 10, the Examiner notes that the term “is designed” is not a statement of positive structure. Applicants herein delete this phrase

Claim Rejections - 35 U.S.C. §102(b)

Claims 9 and 10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,375,997 to Nakamura et al. The Examiner asserts that Nakamura et al. shows in Fig. 1 a flat heating surface type gas stove comprising:

a resistant glass top surface (2) disposed over a burner (12);

a gas-permeable porous body (10) being disposed below the top plate (2),

a space (8) between the top plate (2) and a surface (10a) of the gas-permeable porous body (10) is a combustion space, the combustion gas of which is discharged through the gas-permeable porous body (10b),

wherein the surface of the gas-permeable porous body (10c) is placed on an outer peripheral side (1) of the combustion surface (10a) of the gas-permeable porous body (10).

In regard to claim 10, the Examiner asserts that Nakamura et al. shows in Fig. 1 that the gas stove includes a heat-exchanging means (3, 4) for heating a fuel mixture prior to be fed to the burner (12).

Applicants herein amend claims 9 and 10. Thereafter, Applicants disagree with the rejection, because not all of the claimed limitations are taught or disclosed by the cited reference.

Applicants note that a difference between the present invention and the cited references is the limitation previously noted in the parent application and in some of the original parent claims. Specifically, the limitation wherein the gas-permeable porous body is formed of silicon carbide or a material containing silicon carbide as a main component. This limitation, previously indicated as a patentable distinction, is not taught or suggested by the cited reference. Therefore, Applicants respectfully submit that the claims, as herein amended, overcome the rejections of record.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Kenneth H. Salen
Attorney for Applicants
Registration No. 43,077

KHS/led
1250 Connecticut Avenue, NW
Suite 700
Washington, D.C. 20036
(202) 822-1100

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